

Remarks

Claims 1-10 are pending in this application. Claims 9-10 are newly added correspondingly incorporating the subject matter of claims 1 with 4 and claims 1 with 5, respectively.

Objections

The specification is objected to for containing claim numbers. The specification is amended, as needed, to remove the claim numbers.

Reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 USC 112

Claims 2 and 6-7 are rejected under 35 USC 112, second paragraph for indefiniteness. These and other claims are amended to bring forth clarity and definiteness.

Reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 USC 102

Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by von-Schulz-Hausmann (U.S. Patent No. 6,019,581).

The clear identification of elements of von Schulz-Hausmann

with our claim language is appreciated. It is apparent that the Office identifies driving 11 of Hausmann as both a motor and a driving source of rotation and discharge 3 of Hausmann as both an outlet and an outer tube. The assertion of one element of Hausmann to meet two different and distinct elements of the claimed invention suggests there is no anticipation for a lack of disclosure of certain claimed elements.

In Hausmann, there are only two rotors 7 and 13 and shaft 17 appears to be directly coupled to both rotor 7 and rotor 13, hence a driving force of rotation is missing.

In contradistinction, the example given in the claimed invention has a total of three rotors, 2A, 2B and a rotor associated with motor M. Given that the rotor associated with motor M is used to motivate both rotors 2A and 2B that are not along a same axis, the presence of a driving source of rotation becomes necessary. To further illustrate this distinction between Hausmann and the claimed invention, independent claim 1 is amended to explicitly state that a pair of rotors with two different axes is rotated by a motor. These features are not disclosed or taught in Hausmann.

In Hausmann, the gas tight chamber 20 and the discharge 3 do not form a duplex tube structure there-in-between. In contradistinction, the example given in the claimed invention clearly shows that inner tube 4 is housed within outer tube 5

forming a duplex tube structure. To make these features more explicit, independent claim 1 is amended to state a duplex tube structure with associated features. These features of the claimed invention are not disclosed or taught in Hausmann.

It is well settled that:

"A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference." *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988).

As the above-mentioned and associated features are not disclosed in a single prior art reference, the claimed invention is not anticipated by Hausmann. Independent claim 1 is patentably distinguished over Hausmann. All claims depending thereon are also patentably distinguished over Hausmann.

Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 USC 103

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Schulz-Hausmann (U.S. Patent No. 6019581) further in view of Shiinoki (U.S. Patent No. 4767284).

As mentioned above, independent claim 1 is patentably distinguished over Hausmann. All claims dependent thereon, by virtue of inherency, including claim 8, are also patentably distinguished over Hausmann further in view of whatever

secondary reference.

Reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter

Claims 4-5 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten to independent form including all of the limitations of the base claim and any intervening claims.

The Office indication of allowable subject is noted with appreciation. In reliance upon the Office indicated allowable subject matter, new claims 9 and 10 are added. Claim 9 incorporates the subject matter of claims 1 and 4, and claim 10 incorporates the subject matter of claims 1 and 5.

Allowance of these claims is respectfully requested.

Conclusion

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time.

The Commissioner is hereby authorized to charge any underpayment of fees or credit any overpayment of fees in connection with this communication to Deposit Account Number 502840.

Respectfully submitted,

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